

# Notice of Allowability

Application No.

10/007,552

Examiner

Mark Fadok

Applicant(s)

RUCKART, JOHN

Art Unit

3625

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/27/2007.
2. ☒ The allowed claim(s) is/are 1, 2 and 5.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 8/17/2007.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

The examiner is in receipt of applicant's response to office action mailed 3/27/2007, which was received 6/27/2007. Acknowledgement is made to the amendment to claim 1 and the cancellation of claims 3-4 and 6-12. The amendment to claim 1 was sufficient to overcome the USC 112 rejection and that rejection has been removed. The examiner has carefully considered applicant's remarks and amendment and finds them to be persuasive. Therefore the following reasons for allowance are presented.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Frost on 8/17/2007.

***Cancel withdrawn claims 13-22.***

Art Unit: 3625

**Claim 1** - line 15, after the phrase "a value of 1" delete "if" and insert--when--

**Claim 1** - line 25, before the phrase "the customer upgrades" delete "if" and insert--  
upon--

***Allowable Subject Matter***

The following is an examiner's statement of reasons for allowance:

Claims 1,2 and 5 are allowable.

The following is an Examiner's statement of the reasons for allowance for independent claim 1.

The present invention is directed a method for ordering telecommunication product and service utilizing a formula that returns an incremental discount that is comparable to a previous selection along with its price point, the combination or the instant claim as a whole being non-obvious, inter alia, "providing to the customer an incremental upgrade of the changed selection in addition to the new offering price for the customer's changed selection".

Discussion of most relevant art:

**US Patents and PG-PUB**

(i) US Patent 45,878,400 to Carter III teaches a method for variable pricing.

Carter III, however, fails to render the above-mentioned application's limitations obvious.

Art Unit: 3625

(ii) US 20060206385 to Walker teaches a method for determining discounts.

Walker, however, fails to render the above-mentioned application's limitations obvious.

(iii) US 6,078,897 to Rubin teaches optimizing orders to arrive at a discount.

Rubin, however, fails to render the above-mentioned application's limitations obvious.

#### **Foreign Patent Documents**

(iv) EP 0809387 to AT&T Corp teaches pricing telecommunication products and services using a discount; however, AT&T Corp fails to render the application's above-mentioned limitations obvious.

#### **Non-Patent Literature**

(v) Sadrian, Amir teaches volume discount strategies. Sadrian, however, does not render the application's above-mentioned limitations obvious.

Any comments considered necessary by the applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

Art Unit: 3625

accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **571.272.6755**.

The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeffrey Smith** can be reached on **571.272.6763**.

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***

**Alexandria, Va. 22313-1450**

or faxed to:

**571-273-8300**

[Official communications; including

After Final communications labeled

"Box AF"]

For general questions the receptionist can be reached at

**571.272.3600**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

Application/Control Number: 10/007,552

Page 6

Art Unit: 3625

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Mark Fadok', with a long horizontal flourish extending to the right.

Mark Fadok

Primary Examiner